

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CRISPIN RODRIGUEZ, individually &
dba GROWER'S DIRECT PRODUCE,

Plaintiff,

v.

OLD WEST EXPORT, INC., a California
corporation and FRANCES MURILLO, an
individual,

Defendants.

Case No. 1:20-cv-00052 JLT BAM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION FOR DEFAULT JUDGMENT
WITHOUT PREJUDICE**

(Docs. 47, 77)

Crispin Rodriguez, individually and doing business as Grower's Direct Produce, brings this action under the Perishable Agricultural Commodities Act (PACA) against Defendants Old West Export, Inc. and Frances Murillo. Default has been entered against Old West Export, Inc. (Doc. 46.)

Plaintiff moved for default judgment against Old West. (Doc. 47.) On August 22, 2025, the assigned magistrate judge issued findings and recommendations to deny the motion for default judgment without prejudice because Plaintiff had not offered any reason to justify entry of judgment as to fewer than all claims and all defendants under Federal Rule of Civil Procedure 54(b). (Doc. 77 at 6.)

The Court served the findings and recommendations on the parties and notified them that any objections were due within 14 days. (Doc. 77 at 6.) The Court also informed the parties that

1 the “failure to file objections within the specified time may result in the waiver of the ‘right to
2 challenge the magistrate’s factual findings’ on appeal.” (*Id.* at 6-7, quoting *Wilkerson v. Wheeler*,
3 772 F.3d 834, 839 (9th Cir. 2014).) No objections were filed by any party and the time to do so
4 has expired.

5 According to 28 U.S.C. § 636 (b)(1)(c), this Court conducted a *de novo* review of the case.
6 Having carefully reviewed the entire matter, the Court concludes that the Findings and
7 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 8 1. The Findings and Recommendations issued on August 22, 2025 (Doc. 77) are
9 **ADOPTED IN FULL**.
- 10 2. Plaintiff’s motion for default judgment (Doc. 47) is **DENIED** without prejudice.
- 11 3. The matter is referred back to the assigned magistrate judge for further proceedings
12 consistent with this order.

13
14 IT IS SO ORDERED.

15 Dated: **September 9, 2025**


UNITED STATES DISTRICT JUDGE